IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2429 OF 2005

Dilip Mahadev Govari ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.R.D.Suryawanshi for Applicant.

Mr.K.V.Saste, A.P.P. for the Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 12, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Indeed, the offence in question is a serious one. However, I find substance in the submission canvassed on behalf of the Applicant that there are several discrepancies which clearly

go to show that the Applicant has been framed out of previous enmity between the Applicant and the Complainant over the money problem.

3. The first discrepancy that can be noted from the record is that the Applicant is stated to have been arrested while he was taking the motorcycle, by the concerned Police Officer, accompanied by the Complainant at 6.00 p.m. However, the panchnama of arrest is drawn between 17.15 to 18.00 hrs. Besides, the statement of witness Bhalchandra Shantaram Dongre would suggest that the Applicant was arrested after chase given by the Complainant and the concerned Officer. The First Information Report is, however, registered at 21.05 hrs.

4. No Station diary is noted after the offence is reported by the Complainant to the concerned Police Station. It is not understood as to on what basis the Police Officer commenced with the investigation of the case and proceeded to record arrest panchnama and statements of witnesses.

5. Taking overall view of the matter, as there are no antecedents against the Applicant and investigation is complete and charge-sheet is filed, Applicant deserves to be enlarged on bail, but on following conditions:

(a) The Applicant is directed to be released on bail in connection with C.R.No.I-12 of 2005 registered with Manor Police Station, Taluka Palghar, District Thane, on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one or two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall report to the concerned Police Station once in a month, on first Sunday of every English calender month between 10 a.m. to 2 p.m.

(d) The Applicant shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicant is, in any manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which can be a ground for cancellation of bail.

6. Application disposed of accordingly.

A.M.KHANWILKAR, J.